

### **Remarks and Arguments**

Applicants have carefully considered the Office Action dated July 13, 2006 and the references cited therein. Applicants respectfully request reexamination and reconsideration of the application.

Applicants respectfully request that the provisional obviousness-type double patenting rejection of claim 20 be withdrawn in light of the abandonment of copending application serial number 09/695,203.

Claims 14-15 are rejected under 35 U.S.C. 102(e) as being unpatentable over US Patent 6,683,858, Chu et al., hereafter Chu. In addition, Claims 16-19 and 22-26 are rejected under 35 U.S.C. 103(a) and is being un patentable over Chu in view of U.S. Patent No. 6, 598,172, VanDeusen et al., hereafter VanDeusen, already of record.

In response to the Examiner's rejection of the claims under 35 USC 102(e) and 35 USC 103(a), Applicants respectfully submit that the inventive activities of the Applicants preceded the effective date of June 28, 2000 of the Chu reference. A Declaration Under 37 CFR §1.131, by the named inventors of the instant application, is resubmitted herewith to swear behind the effective date of the Chu reference. Upon receipt, the executed copy of the Declaration by Brian Paulito will be forwarded to the Examiner. Named inventor Jeff Durham is deceased. Applicant's counsel is trying to obtain more information regarding this situation. The Declarants' statements set forth in the attached Declaration establish conception of the invention prior to the effective date of the Chu references coupled with due diligence from prior to the effective date until October 24, 2000, the priority date of the subject application. Exhibits A-D are submitted to support the Declarant's statements. Accordingly, in view of the Declaration and Exhibits A-D thereto, Applicants respectfully request that the rejections under 35 USC 102(e) and §103(a) be withdrawn.

Applicants submit no further rebuttal at this time to the arguments presented by the Examiner in support of the rejection of the claims under 35 USC §102(e) or §103(a).

Accordingly, Applicants respectfully request that the current rejections be withdrawn and the allowability of at least claims 14-19 be reinstated. As discussed in the prior response, claims 20-26 include limitations similar to claims 14-19 and are

likewise believed allowable for at least the same reasons as claims 14-19, as well as for the merits of their own respective limitations.

Applicants believe the claims are in allowable condition. A notice of allowance for this application is solicited earnestly. If after considering the above remarks and amendments, the Examiner is of the opinion that not all claims recite allowable subject matter, Applicants respectfully request a telephone interview with the Examiner and his/her respective Supervisory Patent Examiner to resolve any outstanding issues by Examiner's Amendment prior to issuance of any an Advisory Action.

The Examiner is hereby authorized to charge any fees or credit any balances under 37 CFR §1.17, and 1.16 to Deposit Account No. DA-12-2158.

Respectfully submitted,

/Bruce D. Jobse/

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